



January 8, 2004

OKLAHOMA BULLETIN NO. OK210-4-2**SUBJECT: ENG – Surface Water Rights Permitting**

Purpose: To provide guidance on the need for Surface Water Rights Permits for conservation practices.

Expiration Date: September 30, 2004

All water that falls on the ground surface in the state of Oklahoma is regulated by the Oklahoma Water Resources Board (OWRB). Specific requirements for permits available for surface water rights are found in OWRB Rules, Chapter 20 – Appropriation and Use of Stream Water or on their website at: <http://www.owrb.state.ok.us>. Some activities involving diversion of stream water or storage of rainfall events will require a permit from OWRB, while other activities can be permitted or not permitted, at the landowner's prerogative.

Permits Are Required: If a landowner intends to pump or otherwise divert water from a main water course for purposes other than domestic or livestock use, then a permit is required. NRCS will not provide technical assistance, beyond what is necessary for the permit application, until the permit is obtained. In no case shall a practice be staked for construction without the required permits.

Permits Are Optional: Activities that only involve the storage of water falling within a watershed are not required to be permitted by OWRB. NRCS should inform landowners that since Oklahoma is a right of first appropriation state, it may be in their best interest to obtain a surface water rights permit from OWRB. Without a permit to ensure the right to store water, someone downstream with a permit could petition OWRB or a judge to order that the non-permitted water being stored be pumped out and made available to the permit holder.

If a landowner wishes to apply for a surface water rights permit, NRCS may assist the landowner in filling out the application. It is the landowner's responsibility to file the application, pay the application fee and annual renewal fees, and be represented at any hearing. Attached are examples of completed permit applications for three different types of practices where a landowner may need to or choose to request a permit. These examples can also be found on the Oklahoma Standard Forms website at <http://www.ok.nrcs.usda.gov/technical/forms.html>. For items in the permit that do not apply, the applicant should simply put N/A. Questions regarding water rights permitting for NRCS conservation activities should be directed to the Resource Engineer or J. Chris Stoner at (405) 742-1260.

M. Darrel Dominick

M. DARREL DOMINICK
State Conservationist

Attachment

DIST: AE

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

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